question of propriety. I assert, Sir, that this decision was in the national interest. It was a decision that we took to uphold the commitments of the previous Government. That is what we want not more than that.

SHRI BIJU PATNAIK (Aska) : Sir, regarding the decision taken on the question of counter guarantee, I would like to say that the last date was supposed to be next month.

The date was next month so what was the hurry, that I would like to ask from the Government . . *(Interruptions)*

SHRI SONTOSH MOHAN DEV (Silchar) : We are neither surprised nor shocked over what has been done, that is the perception of this Government. But, since they have mentioned about our Government's decision and that they are very keen to implement it, I would also like to draw your attention to the attempt that was made by our Government to bring an ordinance on the Dalit Christians and your delegation...*(Interruptions)* Let me finish ...*(Interruptions)*

MR. SPEAKER : Please, do not raise this issue I think the debate is concluded. Yes, Mr. Naik.

SHRI JASWANT SINGH : Sir, let me clarify on behalf of this Government and if the hon Member remembers very well, no ordinance was brought by the previous Government...*(Interruptions)*

MR. SPEAKER : No, it is closed

SHRI RAM NAIK (Mumbai North) : Mr. Speaker, Sir, I would like to raise an important issue ...*(Interruptions)*

MR. SPEAKER : Let us listen to him. Please listen to him.

(Interruptions)

MR. SPEAKER : Yes, Mr. Jena.

SHRI SRIKANTA JENA (Kendrapara) : Mr Speaker, Sir, the question which was raised ...*(Interruptions)*

MR. SPEAKER : I am not hearing anything

(Interruptions)

SHRI SRIKANTA JENA : Sir, the question which was raised by Shri Beni Prasad Verma and Shri Chavan is not the question on the merits of the case. The question is, 'what was the hurry?' . *(Interruptions)*

MR. SPEAKER : I have closed this chapter

(Interruptions)

MR. SPEAKER : No, I have closed this chapter. Yes, Mr. Naik, please carry on.

(Interruptions)

MR. SPEAKER : Order, please.

RE: RECOGNITION OF THE LEADER OF THE OPPOSITION

[English]

SHRI RAM NAIK : Sir, I want to raise an important constitutional issue, also an issue with reference to our rules and from the point of view of parliamentary etiquettes and conventions. It is about the appointment of the Leader of the Opposition ...*(Interruptions)*

SHRI SRIKANTA JENA : Sir, can any Member raise a question on the decision of the hon. Speaker? That is a question on the decision of the hon Speaker...*(Interruptions)*

MR. SPEAKER : Please, he is asking a question and I think it is quite all right.

(Interruptions)

MR. SPEAKER : Come on, I will clarify that

SHRI RAM NAIK : Sir, it is about the appointment of the Leader of the Opposition with retrospective effect from 16th May. The Members of this House have taken oath on 22nd. Sir, when a person becomes a Member of the House then only he can become the Leader of the Opposition. So, I want to invite your attention to Kaul and Shakdher.

MR. SPEAKER : I do not think it is required. I am very clear about your question.

SHRI RAM NAIK : Sir, I have to.

MR. SPEAKER : You do not have to refer to that.

(Interruptions)

SHRI RAM NAIK : Sir, I have to argue . . *(Interruptions)*

MR. SPEAKER : I have understood your question. I do not think that I require it.

SHRI RAM NAIK : Sir, I want to explain it

MR. SPEAKER : They have a valid point whether the Speaker's decision can be raised on the floor of the House. In spite of that, I have allowed you.

SHRI RAM NAIK : Sir, if the procedure was wrong, I have every right to bring to your notice and from that point of view I am bringing it...*(Interruptions)*

SHRI RAM VILAS PASWAN (Hajipur) : Sir, this will set a wrong convention...*(Interruptions)*

SHRI RAM NAIK : Sir, a person becomes a Member of the House only when he takes an oath or affirmation in the House according to the Constitution. Article 99 very categorically says :

> "Every Member of either House of Parliament shall before taking his seat, before the President or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the Third Schedule."

So, Sir, the President has appointed a *pro tem* Speaker to conduct the business of the House. Now, when can a Leader of the Opposition be appointed? The Leader of the Opposition can be appointed only when he takes the oath. Now, when did he take the oath? He took the oath on 22nd May...*(Interruptions)*

MR. SPEAKER : I am here. Why are you worried?

SHRI RAM NAIK : Sir, he took the oath only on 22nd May. When we, the Members, were being called to take the oath, the then Speaker from the Chair has said that the Prime Minister would take the oath first and then the Leader of the Opposition. That means, the Leader of the Opposition was appointed before taking the oath.

Now, the third important point is this. The precedent of taking the oath is that the Prime Minister has to take the oath first, then it is followed by the Cabinet Ministers and then by the Leader of the House.

MR. SPEAKER : I think, you have made your point.

SHRI RAM NAIK : That precedent was not followed here. Now, what remains is, from 22nd May he could have been appointed as the Leader of the Opposition after taking the oath. But he has been appointed with retrospective effect from 16th May when none had taken the oath. So, my point is that unless he has taken the oath, he cannot be the Leader of the Opposition.

Sir, my last point is that there is a difference between a Minister taking the oath and the Leader of the Opposition taking the oath. The President appoints a Minister. The Ministers are appointed. But, here the Leader of the Opposition is not to be appointed by the President but by the hon. Speaker. I know that you have not appointed him as such because you have taken the Chair only after that...*(Interruptions)*

SHRI SOMNATH CHATTERJEE (Bolpur) : He has not appointed him. He has recognised him...*(Interruptions)*

SHRI RAM NAIK : Sir, the point which is very relevant is whether from anti-date, that is from 16th May, the Leader of the Opposition can be appointed and from that point of view I am raising this. I hope that keeping in view in the traditions...*(Interruptions)*

[Translation]

KUMARI UMA BHARTI : Mr. Speaker, Sir, in Madhya Pradesh, a Dalit woman was stripped off and paraded...*(Interruptions)*

[English]

SHRI RAM NAIK : Keeping in view the best parliamentary traditions, keeping in view the Constitution and keeping in view the rules and whatever has been practised, I feel that a clarification is required about the appointment of the Leader of the Opposition. I have no personal grudge against him, which I must clarify. But I thought that it is a valid point which has to be brought to your notice.

MR. SPEAKER : Please listen. This House has two sides—the treasury benches and the Opposition. The leader of the treasury benches is known as the Leader of the House. When does he become the Leader of the House? He becomes the Leader of the House when he has taken the oath as the Prime Minister of this country. The Speaker automatically recognises the Prime Minister as the Leader of the House.

The Prime Minister did not take the oath as a Member when he was taking the oath.

(Interruptions)

MR. SPEAKER : Please listen to me now. When I am giving my ruling, you please listen to me carefully. It is a very important point you have raised. I am grateful to you because there should not be any doubt in the minds of the people of the country. Therefore, as soon as the Prime Minister is sworn-in, the Speaker recognizes him as the Leader of the House and the Prime Minister is recognized as the Leader of the House before he has taken the oath or made affirmation as a Member of Parliament. The same analogy applies for the Leader of the Opposition. What happened in the Tenth Lok Sabha? I am not going to give you many arguments though I have not many.

(Interruptions)

MR. SPEAKER : What happened in the Tenth Lok Sabha? We have a precedent. I am telling you. In the Tenth Lok Sabha, the P.V. Narasimha Rao Government was sworn-in on 21st of June, 1991. On 27th of June 1991, the BJP, which was the single largest Party after the Ruling Party, wrote a latter, a letter duly signed by Dr. L.M. Pandey, to the effect that Mr. L.K. Advani has been elected as a Leader of their Party and that he may be recognized as the Leader of the Opposition from the day the Prime Minister took oath, that is, 21st of June 1991. And the Speaker correctly recognized him. There is no change in the position of Tenth Lok Sabha and the Eleventh Lok Sabha.

[Translation]

SHRI AMAR PAL SINGH : Mr. Speaker, Sir, it is a very important matter regarding economic condition of the sugarcane growers. Please allow me to speak for two minutes. *(Interruptions)*

KUMARI UMA BHARTI : Mr. Speaker, Sir, in the Bhind district of Madhya Pradesh a woman of Koiri caste was stripped off and paraded in the entire village. She was beaten. This is not the first incident